

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHANIEL WEISKIRCHER et al.,

Plaintiffs,

v.

AMERICAN AIRLINES, INC.,

Defendant.

No. 2:19-cv-2582-JAM-KJN

SANCTIONS ORDER &

ORDER TO SHOW CAUSE

(ECF Nos. 19 & 23)

On December 4, 2020, the court granted defendant's motion to compel discovery from plaintiffs (ECF No. 19) and ordered plaintiffs' counsel, Robert A. Heintz, to show cause within 14 days why monetary sanctions should not follow both for his failure to participate in preparing a joint statement of the discovery disagreement, and for failing to appear at the hearing on the motion to compel. (ECF No. 23.) That deadline has passed without a response from Mr. Heintz. Consequently, the court finds it appropriate to impose a monetary fine of \$500.00 on Mr. Heintz personally, which is to be paid within 15 days of this order. See E.D. Cal. R. 110 ("Failure of counsel . . . to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court."); Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986) (per curiam) (district courts have inherent power to control their dockets and may impose sanctions in exercising that power). Greater sanctions, up to and including dismissal of the action with

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1 prejudice, will follow if Mr. Heintz fails to timely pay the fine or respond to the instant show  
2 cause order.

3 The court also reserves the right to impose further sanctions, up to and including dismissal  
4 of the action with prejudice, if plaintiffs do not comply with the court's December 3, 2020 order  
5 compelling various document production and amended discovery responses. (See ECF No. 23  
6 at 6.) Under the terms of that order, the document production and amended interrogatory answers  
7 at issue are due to defendant by December 28, 2020, and plaintiffs' medical release authorizations  
8 were due to defendant on December 10, 2020. (*Id.*) Should these deadlines also pass without  
9 compliance, the court will entertain defendant's motion for sanctions under Federal Rule of Civil  
10 Procedure 37(b)(2) for failure to obey the court's discovery order. Such sanctions may include  
11 awarding defense counsel the cost of bringing the motion to compel as well as recommending that  
12 this case be dismissed with prejudice for failure to comply with the federal rules and the court's  
13 orders.

14 Accordingly, IT IS ORDERED that:

15 1. Within 15 days of the entry of this order, plaintiffs' counsel, Robert A. Heintz, shall:

16     a. Personally pay the Clerk of Court a monetary fine of \$500.00;

17     b. Show cause, in writing, why the court should not impose further sanctions, up to  
18         and including dismissal of the case with prejudice, for failure to comply with the  
19         federal rules and the court's orders and for failure to prosecute the case; and

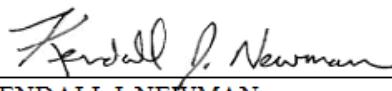
20     c. Send a copy of this order to his clients and advise the court that he has done so.

21 2. Failure to comply with this order will result in the imposition of further sanctions up to  
22         and including dismissal of the action with prejudice, pursuant to Federal Rules of Civil  
23         Procedure 37(b)(2) and 41(b).

24 IT IS SO ORDERED.

25 Dated: December 16, 2020

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE